

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 4, 6-7, 11 and 13-15 are pending in the application. Claims 1, 4, 6 and 11 are amended by the present amendment. Support for the amended claims can be found at least at p. 11, ll. 19-23 of the originally filed disclosure. No new matter is presented.

In the Office Action, Claims 1, 4, 6, 11, 14-15 are rejected under 35 U.S.C. § 103(a) as unpatentable over Trossen et al. (U.S. Pat. 7,054,643, herein Trossen) in view of Kim et al. (U.S. Pat. 7,286,558, herein Kim); and Claims 7 and 13 are rejected under 35 U.S.C. § 103(a) as unpatentable over Trossen in view of Kim and Agrawal et al. (U.S. Pat. 6,748,234, herein Agrawal).

As an initial matter, Applicants appreciatively acknowledge the courtesy extended by Examiner Dean in holding a personal interview with the undersigned on September 8, 2009. During the interview, an overview of the claimed invention was presented, and proposed claim amendments were discussed that Examiner Dean indicated would overcome the applied references. In response, independent Claims 1 and 4 are amended to further define the claimed transmission method, as discussed during the interview.

Independent Claim 1, for example, is amended to recite that the transmission method is determined by “at least one of a hierarchical organization of the transmitted information, an amount of data transmitted, a number of codes used to code the transmitted information, an error correction method, a number of blocks, an interleaving length and a rate matching method”. Applicants note that these features are similar to those recited in previously pending dependent Claims 6 and 11, with the exception of the transmission method being determined by one of a “modulation method” and “transmission power”, which are excluded from amended independent Claims 1 and 4.

In rejecting Claims 6 and 11, the Office Action cites col. 5, ll. 38-39 of Trossen, asserting that this portion of the reference teaches a process of determining appropriate modulation schemes. Indeed, this cited portion of Trossen does appear to describe that different capable data rates of terminals may invoke different modulation and coding schemes.

As noted above, however, Claims 1 and 4 exclude “modulation method” as being one of parameters by which the transmission method is determined. Moreover, Trossen fails to teach or suggest determining a transmission method by any parameter other than a transmission power or a modulation coding scheme.

Thus, as discussed during the interview, Trossen fails to teach or suggest determining a transmission method by “at least one of a hierarchical organization of the transmitted information, an amount of data transmitted, a number of codes used to code the transmitted information, an error correction method, a number of blocks, an interleaving length and a rate matching method ... in accordance with the collected reception ability value and the available radio resources, so that a mobile station belonging to the specific multicast group equipped with a lowest reception ability can receive the information using the determined transmission method”, as recited in amended independent Claims 1 and 4.

Further, Applicants note that dependent Claims 6 and 11 are amended to further limit the parameters by which the transmission method is determined.

Moreover, neither Kim nor Agrawal remedy the above noted deficiencies of Trossen.

Accordingly, Applicants respectfully request the rejection of Claims 1 and 4 (and the claims that depend therefrom) under 35 U.S.C. § 103(a) be withdrawn.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1, 4, 6-7, 11 and 13-15 patentably defines over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

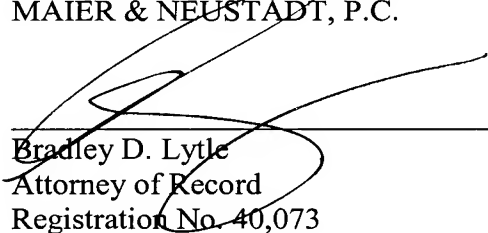
Respectfully submitted,

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